

Calendar No. 132

108TH CONGRESS
1ST SESSION

S. 1215

To sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2003

Mr. McCONNELL (for himself, Mr. REID, Mr. VOINOVICH, and Mr. EDWARDS)
introduced the following bill; which was read the first time

JUNE 10, 2003

Read the second time and placed on the calendar

A BILL

To sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Burmese Freedom and
3 Democracy Act of 2003”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) The State Peace and Development Council
7 (SPDC) has failed to transfer power to the National
8 League for Democracy (NLD) whose parliamentar-
9 ians won an overwhelming victory in the 1990 elec-
10 tions in Burma.

11 (2) The SPDC has failed to enter into meaning-
12 ful, political dialogue with the NLD and ethnic mi-
13 norities and has dismissed the efforts of United Na-
14 tions Special Envoy Razali bin Ismail to further
15 such dialogue.

16 (3) According to the State Department’s “Re-
17 port to the Congress Regarding Conditions in
18 Burma and U.S. Policy Toward Burma” dated
19 March 28, 2003, the SPDC has become “more
20 confrontational” in its exchanges with the NLD.

21 (4) On May 30, 2003, the SPDC, threatened by
22 continued support for the NLD throughout Burma,
23 brutally attacked NLD supporters, killed and in-
24 jured scores of civilians, and arrested democracy ad-
25 vocate Aung San Suu Kyi and other activists.

1 (5) The SPDC continues egregious human
2 rights violations against Burmese citizens, uses rape
3 as a weapon of intimidation and torture against
4 women, and forcibly conscripts child-soldiers for the
5 use in fighting indigenous ethnic groups.

6 (6) The SPDC has demonstrably failed to co-
7 operate with the United States in stopping the flood
8 of heroin and methamphetamines being grown, re-
9 fined, manufactured, and transported in areas under
10 the control of the SPDC serving to flood the region
11 and much of the world with these illicit drugs.

12 (7) The SPDC provides safety, security, and
13 engages in business dealings with narcotics traf-
14 fickers under indictment by United States authori-
15 ties, and other producers and traffickers of nar-
16 cotics.

17 (8) The International Labor Organization
18 (ILO), for the first time in its 82-year history,
19 adopted in 2000, a resolution recommending that
20 governments, employers, and workers organizations
21 take appropriate measures to ensure that their rela-
22 tions with the SPDC do not abet the government-
23 sponsored system of forced, compulsory, or slave
24 labor in Burma, and that other international bodies
25 reconsider any cooperation they may be engaged in

1 with Burma and, if appropriate, cease as soon as
2 possible any activity that could abet the practice of
3 forced, compulsory, or slave labor.

4 (9) The SPDC has integrated the Burmese
5 military and its surrogates into all facets of the
6 economy effectively destroying any free enterprise
7 system.

8 (10) Investment in Burmese companies and
9 purchases from them serve to provide the SPDC
10 with currency that is used to finance its instruments
11 of terror and repression against the Burmese people.

12 (11) On April 15, 2003, the American Apparel
13 and Footwear Association expressed its “strong sup-
14 port for a full and immediate ban on U.S. textiles,
15 apparel and footwear imports from Burma” and
16 called upon the United States Government to “im-
17 pose an outright ban on U.S. imports” of these
18 items until Burma demonstrates respect for basic
19 human and labor rights of its citizens.

20 (12) The policy of the United States, as articu-
21 lated by the President on April 24, 2003, is to offi-
22 cially recognize the NLD as the legitimate represent-
23 ative of the Burmese people as determined by the
24 1990 election.

1 **SEC. 3. BAN AGAINST TRADE THAT SUPPORTS THE MILI-**
2 **TARY REGIME OF BURMA.**

3 (a) GENERAL BAN.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, until such time as the President de-
6 termines and certifies to Congress that Burma has
7 met the conditions described in paragraph (3), no
8 article may be imported into the United States that
9 is produced, mined, manufactured, grown, or assem-
10 bled in Burma.

11 (2) BAN ON IMPORTS FROM CERTAIN COMPA-
12 NIES.—The import restrictions contained in para-
13 graph (1) shall apply to, among other entities—

14 (A) the SPDC, any ministry of the SPDC,
15 a member of the SPDC or an immediate family
16 member of such member;

17 (B) known narcotics traffickers from
18 Burma or an immediate family member of such
19 narcotics trafficker;

20 (C) the Union of Myanmar Economics
21 Holdings Incorporated (UMEHI) or any com-
22 pany in which the UMEHI has a fiduciary in-
23 terest;

24 (D) the Myanmar Economic Corporation
25 (MEC) or any company in which the MEC has
26 a fiduciary interest;

1 (E) the Union Solidarity and Development
2 Association (USDA); and

3 (F) any successor entity for the SPDC,
4 UMEHI, MEC, or USDA.

5 (3) CONDITIONS DESCRIBED.—The conditions
6 described in this paragraph are the following:

7 (A) The SPDC has made substantial and
8 measurable progress to end violations of inter-
9 nationally recognized human rights including
10 rape, and the Secretary of State, after consulta-
11 tion with the ILO Secretary General and rel-
12 evant nongovernmental organizations, reports to
13 the appropriate congressional committees that
14 the SPDC no longer systematically violates
15 workers rights, including the use of forced and
16 child labor, and conscription of child-soldiers.

17 (B) The SPDC has made measurable and
18 substantial progress toward implementing a
19 democratic government including—

20 (i) releasing all political prisoners;

21 (ii) allowing freedom of speech and
22 the press;

23 (iii) allowing freedom of association;

24 (iv) permitting the peaceful exercise of
25 religion; and

1 (v) bringing to a conclusion an agree-
2 ment between the SPDC and the demo-
3 cratic forces led by the NLD and Burma's
4 ethnic nationalities on the transfer of
5 power to a civilian government accountable
6 to the Burmese people through democratic
7 elections under the rule of law.

8 (C) Pursuant to the terms of section 706
9 of the Foreign Relations Authorization Act,
10 Fiscal Year 2003 (Public Law 107-228),
11 Burma has not failed demonstrably to make
12 substantial efforts to adhere to its obligations
13 under international counternarcotics agree-
14 ments and to take other effective counter-
15 narcotics measures, including the arrest and ex-
16 tradition of all individuals under indictment in
17 the United States for narcotics trafficking, and
18 concrete and measurable actions to stem the
19 flow of illicit drug money into Burma's banking
20 system and economic enterprises and to stop
21 the manufacture and export of
22 methamphetamines.

23 (4) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—In this subsection, the term “appropriate
25 congressional committees” means the Committees on

1 Foreign Relations and Appropriations of the Senate
2 and the Committees on International Relations and
3 Appropriations of the House of Representatives.

4 (b) WAIVER AUTHORITIES.—

5 (1) IN GENERAL.—The President may waive
6 the prohibitions described in this section for any or
7 all products imported from Burma to the United
8 States if the President determines and notifies the
9 Committees on Appropriations and Foreign Rela-
10 tions of the Senate and the Committees on Appro-
11 priations and International Relations of the House
12 of Representatives that to do so is in the national
13 security interest of the United States.

14 (2) INTERNATIONAL OBLIGATIONS.—The Presi-
15 dent may waive any provision of this Act found to
16 be in violation of any international obligations of the
17 United States pursuant to any final ruling relating
18 to Burma under the dispute settlement procedures
19 of the World Trade Organization.

20 (c) DURATION OF TRADE BAN.—The President may
21 terminate the restrictions contained in this Act upon the
22 request of a democratically elected government in Burma,
23 provided that all the conditions in subsection (a)(3) have
24 been met.

1 **SEC. 4. FREEZING ASSETS OF THE BURMESE REGIME IN**
2 **THE UNITED STATES.**

3 Not later than 60 days after the date of enactment
4 of this Act, the Secretary of the Treasury shall direct, and
5 promulgate regulations to the same, that any United
6 States financial institution holding funds belonging to the
7 SPDC or the assets of those individuals who hold senior
8 positions in the SPDC or its political arm, the Union Soli-
9 darity Development Association, shall promptly report
10 those assets to the Office of Foreign Assets Control. The
11 Secretary of the Treasury may take such action as may
12 be necessary to secure such assets or funds.

13 **SEC. 5. LOANS AT INTERNATIONAL FINANCIAL INSTITU-**
14 **TIONS.**

15 The Secretary of the Treasury shall instruct the
16 United States executive director to each appropriate inter-
17 national financial institution in which the United States
18 participates, to oppose, and vote against the extension by
19 such institution of any loan or financial or technical assist-
20 ance to Burma until such time as the conditions described
21 in section 3(a)(3) are met.

22 **SEC. 6. EXPANSION OF VISA BAN.**

23 (a) IN GENERAL.—

24 (1) VISA BAN.—The President is authorized to
25 deny visas and entry to the former and present lead-

1 ership of the SPDC or the Union Solidarity Develop-
2 ment Association.

3 (2) UPDATES.—The Secretary of State shall co-
4 ordinate on a biannual basis with representatives of
5 the European Union to ensure that an individual
6 who is banned from obtaining a visa by the Euro-
7 pean Union for the reasons described in paragraph
8 (1) is also banned from receiving a visa from the
9 United States.

10 (b) PUBLICATION.—The Secretary of State shall post
11 on the Department of State’s website the names of individ-
12 uals whose entry into the United States is banned under
13 subsection (a).

14 **SEC. 7. CONDEMNATION OF THE REGIME AND DISSEMINA-**
15 **TION OF INFORMATION.**

16 (a) IN GENERAL.—Congress encourages the Sec-
17 retary of State to highlight the abysmal record of the
18 SPDC to the international community and use all appro-
19 priate fora, including the Association of Southeast Asian
20 Nations Regional Forum and Asian Nations Regional
21 Forum, to encourage other states to restrict financial re-
22 sources to the SPDC and Burmese companies while offer-
23 ing political recognition and support to Burma’s demo-
24 cratic movement including the National League for De-
25 mocracy and Burma’s ethnic groups.

1 (b) UNITED STATES EMBASSY.—The United States
2 embassy in Rangoon shall take all steps necessary to pro-
3 vide access of information and United States policy deci-
4 sions to media organs not under the control of the ruling
5 military regime.

6 **SEC. 8. SUPPORT DEMOCRACY ACTIVISTS IN BURMA.**

7 (a) IN GENERAL.—The President is authorized to
8 use all available resources to assist Burmese democracy
9 activists dedicated to nonviolent opposition to the regime
10 in their efforts to promote freedom, democracy, and
11 human rights in Burma, including a listing of constraints
12 on such programming.

13 (b) REPORTS.—

14 (1) FIRST REPORT.—Not later than 3 months
15 after the date of enactment of this Act, the Sec-
16 retary of State shall provide the Committees on Ap-
17 propriations and Foreign Relations of the Senate
18 and the Committees on Appropriations and Inter-
19 national Relations of the House of Representatives
20 a comprehensive report on its short- and long-term
21 programs and activities to support democracy activ-
22 ists in Burma, including a list of constraints on such
23 programming.

24 (2) REPORT ON RESOURCES.—Not later than 6
25 months after the date of enactment of this Act, the

1 Secretary of State shall provide the Committees on
2 Appropriations and Foreign Relations of the Senate
3 and the Committees on Appropriations and Inter-
4 national Relations of the House of Representatives
5 a report identifying resources that will be necessary
6 for the reconstruction of Burma, after the SPDC is
7 removed from power, including—

8 (A) the formation of democratic institu-
9 tions;

10 (B) establishing the rule of law;

11 (C) establishing freedom of the press;

12 (D) providing for the successful reintegra-
13 tion of military officers and personnel into Bur-
14 mese society; and

15 (E) providing health, educational, and eco-
16 nomic development.

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